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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 PETER ALEXANDER VARGA,

Case No. 2:18-cv-00548-GMN-GWF

8 Plaintiff,

9 v.

ORDER

10 FINDLAY AUTOMOTIVE GROUP, *et al.*,

11 Defendants.

12 This matter is before the Court on Plaintiff Second Emergency Motion to Extend Service
13 of Summons and Complaint Deadline (ECF No. 5), filed on August 24, 2018.

14 Plaintiff requests a ninety (90) day extension of time to effectuate service. Plaintiff
15 represents that there is a state court action against the Findlay Defendants that is the same or similar
16 causes of action as this matter. He further represents that there is a pending motion to amend his
17 complaint in the state court action and that he filed this complaint in this district in order to
18 maintain his claims in the event that the pending motion to amend was denied or only partially
19 granted. He states that the Findlay Defendants are aware of this action. Plaintiff further represents
20 that he will seek a stay of this matter if the pending motion in the state court action is not finalized
21 within 90 days.

22 A federal district court may decline to exercise or postpone the exercise of its jurisdiction
23 when there are concurrent state and federal suits and when doing so would promote wise and sound
24 judicial administration, including the conservation of judicial resources and the avoidance of
25 piecemeal litigation under the *Colorado River* doctrine. *Colorado River Water Conservation Dist.*
26 *V. United States*, 424 U.S. 800, 815 (1976); *Moradi v. Adelson*, 2014 WL 1413627, at *3 (D. Nev.
27 Apr. 11, 2014); *Sw. Circle Grp., Inc. v. Perini Bldg. Co.*, 2010 WL 2667335, at *1 (D. Nev. June
28 29, 2010). However, a district court may refrain from deciding an action for damages only in

1 exceptional cases where the “clearest of justifications support dismissal.” *Moradi*, 2014 WL
2 1413627 at *3 (citing *R & R Street & Co. Inc. v. Transport Ins. Co.*, 656 F.3d 966, 978 (9th Cir.
3 2011)). The Court does not apply the *Colorado River* doctrine at this time.

4 Pursuant to LR IA 6-1, extensions of time may be granted for good cause shown. Further,
5 Rule 4(m) of the Federal Rules of Civil Procedure – which governs the time limit of service –
6 allows the court to grant an extension of time for service if the plaintiff can show good cause for
7 the failure to timely serve a defendant. The Court finds that Plaintiff has provided sufficient good
8 cause to warrant the requested ninety (90) day extension. Accordingly,

9 **IT IS HEREBY ORDERED** that Plaintiff Second Emergency Motion to Extend Service
10 of Summons and Complaint Deadline (ECF No. 5) is **granted**. Plaintiff shall have until **November**
11 **23, 2018** to effectuate service.

12 Dated this 5th day of September, 2018.

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15 GEORGE FOLEY, JR.
16 UNITED STATES MAGISTRATE JUDGE
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